

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
95th General Assembly  
Regular Session, 2025

As Engrossed: S3/18/25 H4/7/25

## A Bill

SENATE BILL 397

By: Senator D. Wallace

By: Representative Rye

### For An Act To Be Entitled

AN ACT TO PROTECT CONFIDENTIAL PERSONAL INFORMATION  
OF RAIL EMPLOYEES IN REPORTS INVOLVING RAILROAD  
FATALITIES; AND FOR OTHER PURPOSES.

### Subtitle

TO PROTECT CONFIDENTIAL PERSONAL  
INFORMATION OF RAIL EMPLOYEES IN REPORTS  
INVOLVING RAILROAD FATALITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative intent.

The General Assembly finds that:

- (1) The services provided by freight railroads are essential to the functionality of the state;
- (2) It is the obligation of the General Assembly to protect rail employees who are involved in accidents or incidents; and
- (3) The requirements of this act are intended to eliminate, when possible, undue harassment or assault of rail crew members involved in railroad fatalities.

SECTION 2. Arkansas Code Title 23, Chapter 12, Subchapter 5, is amended to add an additional section to read as follows:

23-12-515. Railroad fatality reports.

(a)(1) Except as provided in subsection (b) of this section, a public record, as defined under the Freedom of Information Act of 1967, § 25-19-101 et seq., involving a railroad fatality shall be maintained by its custodian



in a manner that ensures the confidentiality of the personal information of the railroad crew involved in the fatality.

(2) If information under subdivision (a)(1) of this section is publicly disclosed, the personal information of the railroad crew shall be redacted from the information.

(b)(1) Subsection (a) of this section does not apply if the requestor is:

(A) The host or employing railroad;

(B) A person authorized by court order to obtain the information under subsection (a) of this section;

(C) A law enforcement officer;

(D) An attorney for the State of Arkansas;

(E) A staff member of the Arkansas Department of Transportation; or

(F) The United States National Transportation Safety Board or a constituent agency of the United States Department of Transportation acting under a mandate to investigate railroad accidents or incidents.

(2) A request under subdivision (b)(1) of this section shall be made in written or electronic form.

(3) A person identified under subdivisions (b)(1)(B)-(E) of this section shall only obtain information under subsection (a) of this section if access to the information is necessary for the performance of his or her duties.

/s/D. Wallace